

Message Text

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16

ACTION L-03

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 SSO-00 NSCE-00 INRE-00 USIE-00 CIAE-00 DODE-00

PM-07 H-03 INR-10 NSAE-00 NSC-10 PA-04 PRS-01 SPC-03

SS-20 ACDA-19 SY-10 SCA-01 DRC-01 OMB-01 USSS-00

AID-20 TRSE-00 /201 W

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O 210405Z NOV 73

FM USMISSION USUN NY

TO SECSTATE WASHDC IMMEDIATE 1324

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E.O. 11652: N/A

TAGS: UNGA, PINS

SUBJ: UNGA -- LEGAL COMMITTEE -- PROTECTION OF

DIPLOMATS -- NATIONAL LIBERATION MOVEMENTS EXCEPTION

REF: USUN 4930

1. AT WEO GROUP MEETING EVENING NOV 20, GROUP DISCUSSED
TEXT OF PROPOSAL PUT FORWARD BY INFORMAL DRAFTING COMITE,
TRANSMITTED REFTEL. UK (STEEL) SAID HE HAD AGREED PERSONALLY
TO COMMEND TEXT TO WEO GROUP AND HE SAID IRAQ (YASSEEN) HAD
AGREED TO DO LIKEWISE TO ASIANS AND KENJA (NJENGA)
LIKEWISE TO AFRICANS.

2. GROUP WAS INFORMED THAT DURING AFTERNOON
YASSEEN IN FACT SUPPORTING THIS TEXT, THAT NJENGA
MORE OR LESS SUPPORTING, THAT TWO AFRICANS HAD TROUBLE
AGREEING TO NON-RESERVABILITY OF ARTICLE 6, THAT MALI
WEAKENING ON THEORY THAT SINCE WE GAVE LAS ASYLUM PROVISION
WE SHOULD GIVE AFRICAN'S THIS PROVISION, AND THAT ALGERIANS
THOUGHT TEXT CLEARLY UNACCEPTABLE.

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3. STEEL (UK) THOUGHT THAT IF WE CAN MANAGE TO GET A COM-PROMISE, THIS IS IT. HE DID NOT THINK IT POSSIBLE TO GET ARABS AND AFRICANS TO AGREE TO BETTER PROVISION FROM WEO POINT OF VIEW, AND HE NOT CLEAR THEY WOULD AGREE TO THIS ONE. HE THOUGHT THAT WHILE PROVISION HAD DISAGREEABLE LANGUAGE IT ACCEPTABLE BECAUSE TECHNICALLY IT DID NOT CREATE ESCAPE CLAUSE PERMITTING ATTACKS ON DIPLOMATS BY CERTAIN GROUPS.

4. US REP SAID THERE GRAVE DIFFICULTIES WITH TEXT, E.G., IMPLICATION THAT CERTAIN HAVE A BETTER RIGHT TO SELF-DETERMINATION THAN OTHERS, BUT SAID HE WOULD SEEK INSTRUCTIONS. ITALY PREPARED TO RECOMMEND GOING ALONG WITH TEXT. AUSTRIA DOUBTFUL AND THOUGHT THAT YASSEEN WILL INSIST THAT PER ART 31 OF VIENNA CONVENTION ON LAW OF TREATIES THIS CLAUSE PART OF "CONTEXT" OF TREATY AND WOULD IN FACT PREJUDICE OPERATION OF DIPLOMATS CONVENTION IN DRASTIC WAY. SWEDEN HAD SIMILAR DOUBTS. CANADA INTERESTED IN DELETION OF CLAUSE "BY PEOPLES STRUGGLING...APARTHEID," OR, IN ANY EVENT, WANTED DELETION OF "ALIEN DOMINATION." FINLAND AND NEW ZEALAND THOUGHT THEY COULD GO ALONG.

5. GONZALEZ-GALVEZ INFORMAL GROUP NEXT MEETING IS AFTERNOON NOV 21. WE MUST CONTACT STEEL (UK) AND OTHERS IN ADVANCE OF THIS ON WHETHER USG COULD ACCEPT LANGUAGE TRANSMITTED PARA 9 REFTEL. WE THEREFORE REQUEST DEPT'S VIEWS BY NOON NOV 21.
BENNETT

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 21 NOV 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: garlanwa
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973USUNN04965
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731118/aaaaanfj.tel
Line Count: 89
Locator: TEXT ON-LINE
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: USUN 4930
Review Action: RELEASED, APPROVED
Review Authority: garlanwa
Review Comment: n/a
Review Content Flags:
Review Date: 10 OCT 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <10-Oct-2001 by shawdg>; APPROVED <12-Dec-2001 by garlanwa>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: UNGA -- LEGAL COMMITTEE -- PROTECTION OF DIPLOMATS -- NATIONAL LIBERATION MOVEMENTS EXCEPTION
TAGS: PINS, UNGA
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005